

Item 1 of 1

PREVIOUS:ALL | NEXT:ALL
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S.350

Sponsor: Sen Chafee, Lincoln D.(introduced 2/15/2001)

Related Bills: [H.R.2869](#)

Latest Major Action: 6/28/2001 House committee/subcommittee actions: Subcommittee Hearings Held.
(For further action, see [H.R. 2869](#), which became Public Law 107-118 on January 11, 2002.)

Title: A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

Jump to: [Titles](#), [Status](#), [Committees](#), [Related Bill Details](#), [Amendments](#), [Cosponsors](#), [Summary](#)

TITLE(S): (*italics indicate a title for a portion of a bill*)

- **SHORT TITLE(S) AS INTRODUCED:**
Brownfields Revitalization and Environmental Restoration Act of 2001
 - **SHORT TITLE(S) AS REPORTED TO SENATE:**
Brownfields Revitalization and Environmental Restoration Act of 2001
 - **SHORT TITLE(S) AS PASSED SENATE:**
Brownfields Revitalization and Environmental Restoration Act of 2001
 - **OFFICIAL TITLE AS INTRODUCED:**
A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.
-

STATUS: (*color indicates Senate actions*)

2/15/2001:

Read twice and referred to the Committee on Environment and Public Works. (text of measure as introduced: CR [S1481-1486](#))

2/27/2001:

Committee on Environment and Public Works Subcommittee on Superfund, Toxics, Risk, and Waste Management. Hearings held. With printed Hearing: S.Hrg. 107-76.

3/8/2001:

Committee on Environment and Public Works. Ordered to be reported with an amendment in the nature of a substitute favorably.

3/12/2001:

Committee on Environment and Public Works. Reported by Senator Smith, of NH with an amendment in the nature of a substitute. With written report No. [107-2](#). Additional and Minority views filed. (text of measure as reported in Senate: CR 4/25/2001 [S3879-3884](#))

3/12/2001:

Placed on Senate Legislative Calendar under General Orders. Calendar No. 19.

3/13/2001:

Star Print ordered on the reported bill.

4/25/2001:

Measure laid before Senate by unanimous consent. (consideration: CR S3879-3912)

4/25/2001:

S.AMDT.352 Amendment SA 352 proposed by Senator Smith NH. (consideration: CR S3896-3904; text: CR S3896-3897)

Of a perfecting nature.

4/25/2001:

S.AMDT.352 Amendment SA 352 agreed to in Senate by Unanimous Consent.

4/25/2001:

The committee substitute as amended agreed to by Unanimous Consent.

4/25/2001:

Passed Senate with an amendment by Yea-Nay Vote. 99 - 0. Record Vote Number: 87. (text: CR S3907-3912)

4/25/2001:

Measure amended in Senate by unanimous consent after passage.

4/26/2001:

Message on Senate action sent to the House.

4/26/2001 10:03am:

Received in the House.

4/26/2001:

Referred to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

4/26/2001:

Referred to House Energy and Commerce

5/4/2001:

Referred to the Subcommittee on Environment and Hazardous Materials.

6/28/2001:

Subcommittee Hearings Held. (For further action, see H.R. 2869, which became Public Law 107-118 on January 11, 2002.)

4/26/2001:

Referred to House Transportation and Infrastructure

4/27/2001:

Referred to the Subcommittee on Water Resources and Environment.

COMMITTEE(S):

Committee/Subcommittee:	Activity:
<u>Senate Environment and Public Works</u>	Referral, Reporting
<u>House Energy and Commerce</u>	Referral
<u>Subcommittee on Environment and Hazardous Materials</u>	Referral
<u>House Transportation and Infrastructure</u>	Referral
<u>Subcommittee on Water Resources and Environment</u>	Referral

RELATED BILL DETAILS: (additional related bills may be indentified in Status)

Bill:	Relationship:
<u>H.R.2869</u>	Related bill as identified by the House Clerk's office

AMENDMENT(S):

1. S.AMDT.352 to S.350 Of a perfecting nature.

Sponsor: Sen Smith, Bob- **Latest Major Action:** 4/25/2001 Senate amendment agreed to

COSPONSORS(69), ALPHABETICAL [followed by Cosponsors withdrawn]: (Sort: by date)

Sen Akaka, Daniel K. - 3/12/2001	Sen Allard, Wayne - 3/6/2001
Sen Allen, George - 4/5/2001	Sen Baucus, Max - 2/15/2001
Sen Bayh, Evan - 3/15/2001	Sen Biden Jr., Joseph R. - 2/28/2001
Sen Bingaman, Jeff - 4/5/2001	Sen Boxer, Barbara - 2/15/2001
Sen Breaux, John B. - 3/12/2001	Sen Brownback, Sam - 2/28/2001
Sen Bunning, Jim - 3/6/2001	Sen Byrd, Robert C. - 3/15/2001
Sen Campbell, Ben Nighthorse - 2/15/2001	Sen Cantwell, Maria - 3/15/2001
Sen Carper, Thomas R. - 2/15/2001	Sen Cleland, Max - 2/28/2001
Sen Clinton, Hillary Rodham - 2/15/2001	Sen Cochran, Thad - 3/15/2001
Sen Collins, Susan M. - 2/28/2001	Sen Corzine, Jon - 2/15/2001
Sen Daschle, Thomas A. - 3/6/2001	Sen Dayton, Mark - 3/20/2001
Sen DeWine, Michael - 2/28/2001	Sen Dodd, Christopher J. - 2/28/2001
Sen Domenici, Pete V. - 3/6/2001	Sen Dorgan, Byron L. - 2/28/2001
Sen Durbin, Richard J. - 3/12/2001	Sen Edwards, John - 3/8/2001
Sen Feinstein, Dianne - 4/24/2001	Sen Fitzgerald, Peter G. - 3/6/2001
Sen Frist, Bill - 3/6/2001	Sen Graham, Bob - 2/15/2001
Sen Gramm, Phil - 4/25/2001	Sen Grassley, Charles E. - 2/15/2001
Sen Gregg, Judd - 3/12/2001	Sen Harkin, Tom - 2/28/2001
Sen Helms, Jesse - 2/28/2001	Sen Hutchinson, Tim - 3/6/2001
Sen Jeffords, James M. - 2/28/2001	Sen Johnson, Tim - 4/25/2001
Sen Kennedy, Edward M. - 3/6/2001	Sen Kerry, John F. - 3/12/2001
Sen Landrieu, Mary L. - 2/28/2001	Sen Leahy, Patrick J. - 2/28/2001
Sen Levin, Carl - 2/28/2001	Sen Lieberman, Joseph I. - 2/15/2001
Sen Lincoln, Blanche - 2/28/2001	Sen Lugar, Richard G. - 3/20/2001
Sen McCain, John - 3/6/2001	Sen McConnell, Mitch - 4/24/2001
Sen Mikulski, Barbara A. - 3/6/2001	Sen Murray, Patty - 3/6/2001
Sen Reed, Jack - 2/28/2001	Sen Reid, Harry M. - 2/15/2001
Sen Rockefeller IV, John D. - 3/12/2001	Sen Santorum, Rick - 3/6/2001
Sen Sarbanes, Paul S. - 2/28/2001	Sen Schumer, Charles E. - 2/28/2001
Sen Sessions, Jeff - 3/8/2001	Sen Smith, Bob - 2/15/2001
Sen Smith, Gordon - 2/28/2001	Sen Snowe, Olympia J. - 2/28/2001
Sen Specter, Arlen - 2/15/2001	Sen Stabenow, Debbie - 2/28/2001
Sen Thompson, Fred - 4/5/2001	Sen Torricelli, Robert G. - 3/12/2001
Sen Warner, John W. - 2/15/2001	Sen Wellstone, Paul D. - 4/25/2001
Sen Wyden, Ron - 2/15/2001	

SUMMARY AS OF:

4/25/2001--Passed Senate, amended. (There are 2 other summaries)

Brownfields Revitalization and Environmental Restoration Act of 2001 - Title I: Brownfields Revitalization Funding - Amends the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) to provide for grants to eligible entities (including local government units, redevelopment agencies, States, and Indian tribes) for inventorying, characterizing, assessing, remediating, and conducting planning related to brownfield sites. Defines a "brownfield site," with exceptions, as real property, the expansion, redevelopment, or reuse of which is complicated by the presence or potential presence of a hazardous substance or pollutant. Includes within such definition a site: (1) that is contaminated by a controlled substance; (2) that is contaminated by petroleum or a petroleum product excluded from the CERCLA definition of "hazardous substance" which is determined to be of relatively low risk, that is a site for which there is no viable responsible party and which will be cleaned up by a person not potentially liable, and that is not subject to a specified order under the Solid Waste Disposal Act; or (3) that is mine-scarred land. Authorizes appropriations. Requires at least 25 percent of such funding to be used for petroleum-contaminated sites.

Title II: Brownfields Liability Clarifications - Exempts from liability under CERCLA certain owners of real property contiguous to property on which there has been a hazardous substance release or threatened release that is not owned by such persons.

(Sec. 202) Absolves from liability for response actions bona fide prospective purchasers to the extent liability at a facility for a release or threat thereof is based solely on ownership or operation of a facility. Gives a lien upon a facility to the United States for unrecovered response costs in any case for which the owner is not liable by reason of this section and the facility's fair market value has increased above that which existed before the action was taken.

(Sec. 203) Deems a person, with respect to defenses to liability of an owner of after-acquired property, to have undertaken appropriate inquiry into the property's previous ownership and uses if the person demonstrates that inquiries were undertaken in accordance with specified requirements (for property purchased after May 31, 1997, compliance with an American Society for Testing and Materials standard until standards are issued by the Administrator of the Environmental Protection Agency). Deems the appropriate inquiry requirements to be satisfied by a facility inspection and title search that reveal no basis for further investigation in the case of property for residential or similar use purchased by a nongovernmental or noncommercial entity.

Title III: State Response Programs - Adds CERCLA provisions authorizing the Administrator to award grants to States or Indian tribes to establish or enhance response programs comprised of elements including survey and inventory of brownfield sites, public participation opportunities, oversight and enforcement authorities, and certification mechanisms. Authorizes appropriations.

Restricts authority to take enforcement actions under CERCLA in cases of hazardous substance releases addressed by a State response plan. Authorizes the President to bring enforcement actions in certain instances, including cases where a State requests assistance, there is migration of contamination across State lines or onto Federal property, or there is an imminent and substantial endangerment to public health or welfare or the environment and additional response actions are likely to be necessary.

Makes restrictions on the President's authority to take such actions applicable only at sites in States that maintain, update at least annually, and make publicly available a record of sites at which response actions have been completed in the previous year and are planned to be addressed under the State response program in the upcoming year. Applies enforcement action requirements only to response actions conducted after February 15, 2001.

(Sec. 302) Requires the President to defer final listing of an eligible response site on the National Priorities

List if the State is conducting a response action in compliance with a State response program that will provide long-term health and environmental protection or is actively pursuing an agreement to perform such an action with a capable person. Requires reasonable progress toward completion of actions for deferral of listing. Permits the President to decline to defer, or discontinue a deferral if: (1) deferral would be inappropriate because the State, as an owner, operator, or significant contributor is a potentially responsible party; (2) the criteria under the National Contingency Plan for issuance of a health advisory have been met; or (3) the other conditions under this section for deferral are no longer being met.